IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Bail Appl..No. 3645 of 2007()

(CRIME NO.125/2006 OF THENMALA POLICE STATION, KOLLAM DISTRICT)

: PETITIONER/2ND ACCUSED

RAJESH, S/O.GOPALAN,
CHEMBODAYIL, ARYANKAVU VILLAGE, NEAR FOREST DEPO,
KOLLAM DISTRICT.

BY ADV. SRI.BIMAL K.NATH
SRI.S.JAMAL
SRI.E.M.SUNIL KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA,
REP.BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/06/2007 ALONG WITH B.A.NOS.3646 AND 3650 OF 2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.Nos.3645, 3646 and 3650 of 2007

Dated this the 18th day of June, 2007

ORDER

Applications for regular bail. The common petitioner in these cases faces allegations under Sections 393 read with 34, 307 and 308 I.P.C respectively in these 3 cases. In B.A.No.3645/2007, the allegation is that the petitioner attempted to snatch of a chain worn by the defacto complainant. This was allegedly done by him on 12.05.2006 on account of animosity arising from the fact that the defacto complainant had deposed in a criminal case against the petitioner. The petitioner was arrested on 02.06.2007. He continues in custody from that date onwards.

2. In B.A.No.3646 of 2007, the petitioner is the sole accused in a crime registered under Section 307 I.P.C. He allegedly attempted to knock down the defacto complainant on 01.03.2007. He having been arrested in the earlier crime on 02.06.2007, his arrest was recorded in this crime also.

3. In B.A.No.3650 of 2007, the petitioner is the accused in a crime registered under Section 308 I.P.C. The crux of the allegation is that the petitioner attempted to inflict injuries on the defacto complainant. No grievous injuries suffered by the victim, it is submitted.

4. The learned counsel for the petitioner submits that the petitioner is absolutely innocent in all these three crimes. Fanciful allegations have been raised against the petitioner with no tangible data to substantiate them, it is alleged.

5. The learned Public Prosecutor opposes the applications. The learned Public Prosecutor submits that allegations against the petitioner are serious and deserve to be frowned upon. The petitioner has remained in custody only from 02.06.07. Reasonable further time may be granted to the prosecution to complete the investigation in all the three crimes, it is submitted.

6. Having considered all the relevant inputs, I am satisfied that the petitioner can now be directed to be released on bail subject to appropriate conditions which will ensure that the Investigators get sufficient time to complete the investigation before the petitioner is actually released from custody.

7. In the result, these Bail Applications are, allowed. The petitioner shall be released on bail on the following terms and conditions.

i) He shall not be released from custody on the strength of this order prior to 25.06.2007. The police shall in the meantime make every endeavour to complete the investigation;

ii) The petitioner shall in each case execute a bond for Rs.50,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays until further orders;

iv) The petitioner shall not leave the jurisdiction of the Thenmala Police Station until further orders without the prior permission of the Investigating Officer.

(R.BASANT, JUDGE)

rtr/-